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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,980	09/29/2003	Timothy D. Wildman	8266-1038	2594
25267 7590 04/28/2009 BOSE MCKINNEY & EVANS LLP 111 MONUMENT CIRCLE, SUITE 2700 INDIANAPOLIS, IN 46204			EXAMINER PAULS, JOHN A	
			ART UNIT 3686	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,980	<b>Applicant(s)</b> WILDMAN ET AL.	
	<b>Examiner</b> JOHN A. PAULS	<b>Art Unit</b> 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35,98 and 99 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35,98 and 99 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9 February, 2004</u> .                                        | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 36 - 97 have been canceled.
2. Claims 1 – 35, 98 and 99 are currently pending and have been examined.

### ***Election/Restrictions***

3. Applicant's election without traverse of the invention of Group I, claims 1 – 35, 98, and 99, in the reply filed on 25 March, 2009 is hereby acknowledged.
4. The cancellation of non-elected claims 36 – 97 by applicant in the reply filed on March 25, 2009 is hereby acknowledged.

### ***Information Disclosure Statement***

5. The Information Disclosure Statement filed on 9 February, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Requirement for Information – 37 CFR § 1.105***

6. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
7. The Applicant has submitted 164 references consisting of over 1000 pages. In order for the Examiner to properly determine patentability over prior art submitted, it is requested

that the Applicant explain the significance of each reference or highlight those documents which have been specifically brought to Applicant's attention and/or are known to be of most significance. Specifically, the Applicant is requested to point out to the Examiner which references teach the multi-level marketing techniques as well as an employment location system. It is desirable to avoid the submission of long list of documents. The Examiner hereby requests elimination of clearly irrelevant and marginally pertinent cumulative information. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.* 359 F. Supp. 948, 175 USPQ 260 (S.D.Fla.1972), aff'd, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. Denied, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron, Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

8. Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 99 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 99 recites means for, however, the specification does not disclose specific structure or acts as required by USC 112 6<sup>th</sup> paragraph. Therefore the scope of the claims is not clear.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claim 99 is rejected under 35 U.S.C. 102(a) as being anticipated by Ulrich et al.  
(US 6,344,794 B1).

Ulrich as shown discloses a personnel and asset tracking system with the following limitations:

- *means for storing information;* (see at least Ulrich column 3 line 12 – 16 and Figure 1);
- *a plurality of tag means coupled to a corresponding plurality of assets for transmitting means for uniquely identifying an asset associated in the information storing means with asset data describing the corresponding asset;* (see at least Ulrich column 3 line 40 – 43 and Figure 1);
- *means for receiving the asset identifying means;* (see at least Ulrich column 3 line 11 – 43 and Figure 1);
- *means for transmitting the asset identifying means to the information storing means;* (see at least Ulrich column 3 line 11 – 43 and Figure 1);
- *means for updating the information storing means with asset location data based upon receipt of the asset identifying means from the transmitting means;* (see at least Ulrich column 3 line 11 – 43 and Figure 1);

- *means for communicating with other communicating means; (see at least Ulrich column 3 line 11 – 43 and Figure 1);*
- *means for accessing data stored in the information storing means; (see at least Ulrich column 3 line 44 – 50);*
- *means for transmitting an identification signal to the updating means, the updating means responding to the identification signal by updating the information storing means with additional location data; (see at least Ulrich column 3 line 11 – 43 and Figure 1);*
- *means, coupled to the information storing means, for sensing movement of assets through a barrier between two areas; (see at least Ulrich column 5 line 13 – 17; line 46 – 48 and column 5 line 66 to column 6 line 1);*
- *means, coupled to the information storing means, for writing information to the tag means; (see at least Ulrich column 9 line 10 – 16);*
- *means, coupled to the information storing means, for displaying data stored in the information storing means; (see at least Ulrich column 11 line 38 – 48).*

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 1 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 6,344,794 B1) and in further view of Tuttle (US 6,127,917 A).

#### **CLAIMS 1 and 98**

Ulrich as shown discloses a personnel and asset tracking system with the following limitations:

- *a server coupled to a database; (see at least Ulrich column 3 line 12 – 16 and Figure 1);*
- *a plurality of tags coupled to a corresponding plurality of assets, each tag being configured to transmit a tag ID that is uniquely associated in the database with asset data describing the corresponding asset; (see at least Ulrich column 3 line 40 – 43 and Figure 1);*
- *a first network coupled to the server including a plurality of first transceivers configured to receive the tag IDs and transmit the tag IDs and a transceiver ID to the server via the first network, whereby, in response to receipt of a tag ID and a transceiver ID from a transceiver, the server is configured to update the database with location information for the asset corresponding to the tag ID to indicate that the corresponding asset is adjacent the transceiver; (see at least Ulrich column 3 line 11 – 43 and Figure 1);*

- *a plurality of tags associated with a corresponding plurality of assets, each tag having a unique ID; (see at least Ulrich column 3 line 40 – 43 and Figure 1);*
- *a plurality of sensors, each sensor configured to read the tag IDs of tags adjacent the sensor and to transmit a signal to the server indicating that the tags are adjacent the sensor, thereby permitting the server to update the database with location information indicating that the tags are adjacent a known location of the sensor; (see at least Ulrich column 3 line 11 – 43 and Figure 1).*

Ulrich as shown discloses the limitations above. Ulrich does not specifically disclose the following limitations, however Tuttle does:

- *a second network coupled to the server including a plurality of access points; (see at least Tuttle column 3 line 50 - 53; column 5 line 16 – 18; column 13 line 40 – 43 and column 15 line 60 to column 16 line 8);*
- *a plurality of portable client devices, each client device including a display and a transceiver configured to wirelessly transmit to the server via one of the plurality of access points a client device ID that is uniquely associated in the database with a user of the client device, whereby, in response to receipt of the client device ID, the server is configured to update the database with location information for the user to indicate that the user is within a reception range of the one access point; (see at least Tuttle column 3 line 50 - 65; column 5 line 16 – 18; line 37 – 40 and line 54 - 57; column 6 line 25 – 30; column 14 line 45 – 48; column 15 line 60 to column 16 line 8 and column 18 line 26 - 30);*



- *a plurality of portable client devices coupled to the server via access points positioned at known locations within the facility, each client device including a transceiver configured to transmit a unique ID signal to the server via an access point, thereby permitting the server to update the database with location information indicating that the client device is within a reception range of the access point; the client device transceivers being further configured to access the tag location information in the database; (see at least Tuttle column 3 line 50 - 65; column 5 line 16 – 18; line 37 – 40 and line 54 - 57; column 6 line 25 – 30; column 14 line 45 – 48; column 15 line 60 to column 16 line 8 and column 18 line 26 - 30).*

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the asset tracking system of Ulrich with the locating system of Tuttle because it allows items, equipment or individuals to be identified and located. (see Tuttle column 5 line 54 – 57 and column 18 line 63 – 67).

#### **CLAIMS 2 – 6, 14 – 16, 19 – 22 and 27 – 33**

The combination of Ulrich/Tuttle as shown discloses the limitations in Claim 1 above.

Additionally, Ulrich discloses the following limitations:

- *an external network coupled to the server; (see at least Ulrich column 3 line 44 – 50);*
- *the external network is the internet; (see at least Ulrich column 3 line 44 – 50);*
- *the database is a distributed database having portions of data stored at a plurality of different physical locations; ; (see at least Ulrich column 3 line 11 – 43);*

- *a plurality of routers connected to the second network and the server, the routers being configured to process communications between the second network and the server; ; (see at least Ulrich column 3 line 51 – 65);*
- *the first plurality of transceivers are mounted at a corresponding plurality of fixed locations within the facility; ; (see at least Ulrich column 3 line 59 – 61);*
- *a plurality of workstations coupled to the first network; ; (see at least Ulrich column 11 line 38 – 48);*
- *one of the workstations includes an interface configured to read information from and write information to any of the plurality of tags; ; (see at least Ulrich column 9 line 10 – 16);*
- *each of the workstations includes a local database including a portion of the data stored in the database coupled to the server; ; (see at least Ulrich column 3 line 29 – 33);*
- *a monitoring server coupled to the server, the monitoring server being configured to receive output data generated by a piece of equipment and to transmit the output data to the server; ; (see at least Ulrich column 3 line 11 – 36);*
- *each of the client devices includes software configured to generate a plurality of screens on the display; ; (see at least Ulrich column 11 line 38 – 48);*
- *the plurality of screens includes a log on screen having icons for facilitating access to the second network; ; (see at least Ulrich column 11 line 54 – 56);*
- *the asset data includes historical data describing past locations of the corresponding asset; ; (see at least Ulrich column 10 line 18 – 39);*

- *the server is configured to automatically perform a plurality of operations based upon a plurality of predefined rules; (see at least Ulrich column 3 line 16 – 18, column 9 line 1 – 9 and line 52 - 67);*
- *one of the operations is updating the status of an asset based upon a current location of the asset and a past location of the asset; (see at least Ulrich column 3 line 16 – 18, column 9 line 1 – 9 and line 52 - 67);*
- *one of the operations is transmitting a signal to a particular client device based upon a current location of the asset and a past location of the asset; (see at least Ulrich column 3 line 16 – 18, column 9 line 1 – 9 and line 52 - 67);*
- *the asset data includes an access level associated with an asset, the server performing one of the plurality of operations based upon a rule including a determination of the access level of the asset; (see at least Ulrich column 12 line 28 – 33);*
- *each of the client devices is configured to access the database to determine the location and status of an asset having asset data stored in the database; (see at least Ulrich column 11 line 33 – 37);*
- *the database further includes a file linked to the asset data of the asset, the file including additional information about the asset; (see at least Ulrich column 12 line 37 – 46).*

Regarding the limitation:

- *the display is a touch sensitive display.*

The combination of Ulrich/Tuttle does not specifically disclose a touch screen, however, it would be obvious to one of ordinary skill in the art to modify the asset tracking system of Ulrich/Tuttle to provide a touch screen because it would make operations more convenient.

16. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 6,344,794 B1) and in further view of Tuttle (US 6,127,917 A) and in further view of Scribner et al. (US 4,688,026).

#### **CLAIM 7**

The combination of Ulrich/Tuttle as shown discloses the limitations in Claim 1 above.

Ulrich/Tuttle does not disclose the following limitations, however, Scribner does:

- *each of the plurality of client devices includes an interface configured to read information from the plurality of tags and write information for storage on the plurality of tags; (see at least Scribner column4 line 53 – 59).*

It would be obvious to one of ordinary skill in the art to combine the asset tracking system of Ulrich/Tuttle with the tag data collection system of Scribner because and accurate inventory provides management with information relating to the identification and location of tangible assets. (see Scribner column1 line 20 – 23).

#### **CLAIM 8**

The combination of Ulrich/Tuttle/Scribner as shown discloses the limitations in Claim 7 above.

Additionally, Ulrich discloses the following limitation:

- *each client device responds to information read from a tag via the interface by obtaining from the server asset data associated with the tag; ; (see at least Ulrich column 12 line 37 – 46).*

17. Claims 9 – 13, 23 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 6,344,794 B1) and in further view of Tuttle (US 6,127,917 A) and in further view of Belfiore et al. (US PGPUB 2002/0059425 A1).

The combination of Ulrich/Tuttle as shown discloses the limitations in Claim 1 above.

Ulrich/Tuttle does not disclose the following limitations, however, Belfiore does:

- *each of the plurality of client devices is a thin client device; (see at least Belfiore paragraph 0044);*
- *the client device transceivers are configured to transmit and receive text, audio, and video content; (see at least Belfiore paragraph 0091 - 0095);*
- *each of the client devices includes a cellular telephone; (see at least Belfiore paragraph 0248);*
- *the plurality of screens includes a users screen including a list of users authorized to access the second network; (see at least Belfiore paragraph 0189 and 0244);*
- *one of the plurality of screens includes a call person button, activation of which causes the client device to send a signal to a specified other client device to establish a communications link between the client device and the specified other client device; (see at least Belfiore paragraph 0248);*

- *the plurality of screens includes a message screen having a record message button, activation of which causes the client device to record input signals from a microphone coupled to the client device; (see at least Belfiore paragraph 0019 and 0248);*
- *the message screen further includes a send message button, activation of which causes the client device to transmit a signal corresponding to the recorded input signals to a specified other client device; (see at least Belfiore paragraph 0006 and 0248).*

It would be obvious to one of ordinary skill in the art to combine the asset tracking system of Ulrich/Tuttle with the distributed computing services of Belfiore because it would facilitate improved communication and collaboration across computer networks. (see Belfiore paragraph 0003).

The combination of Ulrich/Tuttle/Belfiore as shown discloses the limitations above.

Ulrich/Tuttle/Belfiore does not specifically disclose the following limitations:

- *each of the plurality of client devices is configured to communicate with other client devices within a range of the client device without accessing an access point.*

However, Examiner takes **Official Notice** that it is old and well known in the art to have portable client devices in communication without accessing an access point. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to modify the inventory system of Ulrich/Tuttle/Belfiore so that client devices in range of one another could communicate because it would lessen the impact on network resources.

The combination of Ulrich/Tuttle/Belfiore as shown discloses the limitations above.

Ulrich/Tuttle/Belfiore does not specifically disclose the following limitations:

- *each of the client devices includes one of the plurality of tags.*

However, Examiner takes **Official Notice** that it is old and well known in the art to attach an RFID tag to a device for tracking its location. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to modify the inventory system of Ulrich/Tuttle/Belfiore so that a tag is attached to the client device because it would allow for inventory tracking and location determination.

18. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 6,344,794 B1) and in further view of Tuttle (US 6,127,917 A) and in further view of Novak et al. (US 5,561,412 A).

The combination of Ulrich/Tuttle as shown discloses the limitations in Claim 1 above.

Ulrich/Tuttle does not disclose the following limitations, however, Novak does:

- *a nurse call server coupled to the server, the nurse call server being configured to respond to input signals from an input device operated by a user by transmitting a request signal to the server, the server being configured to respond to the request signal by transmitting a signal to a particular client device; (see at least Novak column 2 line 63 to column 3 line 9; column 3 line 52 – 62 and column 18 line 1 – 12);*
- *a nurse call server coupled to the server, the nurse call server being configured to respond to input signals from an input device operated by a user by changing the status of an indicator; (see at least Novak column 2 line 64 to column 3 line 9).*

It would be obvious to one of ordinary skill in the art to combine the asset tracking system of Ulrich/Tuttle with the nurse call system of Novak because it would maximize the efficiency of nurses and staff on call in a hospital wing. (see Novak column 1 line 29 – 30).

19. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulrich et al. (US 6,344,794 B1) and in further view of Tuttle (US 6,127,917 A) and in further view of Lucas (US PGPUB 2001/0051905 A1).

The combination of Ulrich/Tuttle as shown discloses the limitations in Claim 32 above.

Ulrich/Tuttle does not disclose the following limitations, however, Lucas does:

- *each of the client device displays is configured to generate an asset request button, activation of which causes the client device to transmit a request signal to the server, the server responding to the request signal by transmitting a notification to a person responsible for delivering requested assets; (see at least Lucas paragraph 0003, 0021, 0070 and 0083);*
- *each of the client device displays is further configured to receive a user-selected designation of an urgency level of a request; (see at least Lucas paragraph 0003, 0021 and 0026).*

It would be obvious to one of ordinary skill in the art to combine the asset tracking system of Ulrich/Tuttle with the inventory control system of Lucas because it would provide a cost effective solution to inventory tracking. (see Lucas paragraph 0008).



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **(571) 270-5557**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JERRY O'CONNOR** can be reached at **571.272.6787**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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**Washington, D.C. 20231**

or faxed to (571) 273-8300.

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/J. A. P./

Examiner, Art Unit 3686

Date: 30 March 2009

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686